

DETAILED ACTION

Applicants' response, which included cancellation of claims 47-53 and amendment to claims 54 and 56, filed on 11/2/2007, is made of record. Claims 1-27, 31, 32, 37-43, 45, 46 and 54-58 are now pending. In view of applicants' response prior art 102 and 103 rejections made in the previous office action have been obviated. Upon further consideration, the Finality of the previous office action is withdrawn to apply new ground of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 54-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narr et al., DE 2341925 in view of Caine et al., Cancer 98(8), 1578-1586, 2003.

Narr et al., teaches several 2,4,5,6-tetrasubstituted pyrimidine compounds useful as antithrombotics, which include compounds, composition and method of use embraced in the instant claims. See formula I. Note with the given definition of various R₁, R₂, R₄ and R₃ groups, the compounds taught by Narr et al., are also generically embraced in the instant claims. See entire document for details of the invention. Especially see page 83, example 135, page 89, example 157 and page 90, example 159 for some examples of compounds made. See also page 89, example 156.

Narr et al. differs from the instant claims in teaching use of the compound as antithrombotics and not the said use teaching with breast cancer agents.

Caine et al., teaches the coagulopathy in breast cancer patients and the usefulness of antithrombotic agents in breast cancer patient. See entire document

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made would be motivated to make the compounds using the teachings of Narr et al and use the resultant compound as composition with other breast cancer agents as well as to treat breast cancer patients in view of the teaching of Caine et al.

Allowable Subject Matter

Claims 1-27, 31, 32, 37-43, 45 and 46 are allowed.

Conclusion

Any inquiry concerning this communication from the examiner should be addressed to Venkataraman Balasubramanian (Bala) whose telephone number is (571) 272-0662. The examiner can normally be reached on Monday through Thursday from 8.00 AM to 6.00 PM. The Supervisory Patent Examiner (SPE) of the art unit 1624 is James O. Wilson, whose telephone number is 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAG. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-2 17-9197 (toll-free).

/Venkataraman Balasubramanian/

Primary Examiner, Art Unit 1624

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